

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

BOONE'S PHARMACY INC.,

Plaintiff/Counter Defendant,

v.

EZRIRX LLC,

Defendant/Counter Claimant

CASE NO. 2:22-cv-00375-JB-N

UNOPPOSED

DEFENDANT'S SECOND UNOPPOSED MOTION TO EXTEND DEADLINES

Defendant EzriRx LLC ("Defendant") files this second motion to extend its deadline to file response briefs in opposition to Plaintiff Boone's Pharmacy Inc.'s ("Plaintiff") Motion for Reconsideration (ECF No. 52) and Motion to Stay Discovery (ECF No. 56). As good cause, Defendant states:

1. Defendant previously asked the Court to extend its deadlines to respond to Plaintiff's motions for reconsideration and to stay discovery, explaining that the parties were attempting to resolve this matter. The Court granted Defendant's request on September 11, 2023, giving Defendant until September 28 and October 5, 2023, to respond to the motions for reconsideration and to stay discovery, respectively. ECF No. 59.

2. The parties are continuing to discuss the need to proceed further with this litigation.

3. To avoid potentially needless expenses preparing opposition briefs that may ultimately be unnecessary, Defendant asks to extend its deadline to respond to both motions **until October 12, 2023**.

4. Defendant conferred with Plaintiff's counsel, who advised that he does not oppose the motion.

5. This motion is made in good faith and not for purpose of delay. The extension sought by this motion will not unduly delay the proceedings in this case.

6. Good cause thus exists for the extension. *Lizarazo v. Miami-Dade Corr. & Rehab. Dep't*, 878 F.3d 1008, 1012 (11th Cir. 2017) (extensions "should be liberally granted absent a showing of bad faith . . . or undue prejudice.").

WHEREFORE, Defendant respectfully requests that the Court grant this motion and extend the time to file its response to the motions for reconsideration and to stay discovery until **October 12, 2023**.

/s/ Ryan D. Watstein
Ryan D. Watstein (*pro hac vice*)
WATSTEIN TEREPKA LLP
1055 Howell Mill Road, 8th Floor
Atlanta, Georgia 30318
T: (404) 782-0695
E: ryan@wtlaw.com
Counsel for Defendant EzriRx LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 28, 2023, I caused to be electronically filed a true and correct copy of the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

By: /s/ Ryan D. Watstein
Ryan D. Watstein